THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8631 OF 1999

ORAL ORDER:

This writ petition is filed aggrieved by the action of the 1st respondent-Mandal Revenue Officer, Tallarevu Mandal, in seizing 300 bags of paddy from the land situated in S.No.119/1 of Mallavaram village, Tallarevu Mandal, East Godavari District, as arbitrary and illegal.

As could be seen from the material on record, the writ petitioner had earlier filed O.S.No.464 of 1994 in the Court of the I Additional District Munsif, Kakinada, seeking permanent injunction restraining the 2nd respondent herein as well as three others from interfering with his possession and enjoyment of the land in Sy.No.119/1 of Mallavaram village, alleging that they were attempting to trespass into the land in question. It was claimed in the plaint that he was the absolute owner and also having possession of the same. Pending the said suit, a temporary injunction was granted in I.A.No.685 of 1994 on 14.6.1994.

In this writ petition, it is pleaded that for the year 1998-99 the petitioner having raised paddy crop on the land in question, harvested the same during the first week of April 1999, and the thrashed paddy was kept on the field. It is alleged that the 1st respondent-Mandal Revenue Officer seized 300 bags of paddy highhandedly informing orally that proceedings under Section 145 of the Code of Criminal Procedure were initiated. Since there was no notice to the petitioner at any time and since the civil suit in respect of the very same property was pending and an order of temporary injunction was also in operation, the petitioner made a representation dated 7.4.1999 requesting the 1st respondent to deliver back the seized paddy. Aggrieved by the inaction on the part of the 1st respondent, this writ petition has been filed contending *inter alia* that the action of the 1st

respondent in seizing the paddy without making any order as required under Section 145(1) of Cr.P.C. is arbitrary and illegal.

In response to the *Rule nisi* ordered, the Mandal Revenue Officer filed a counter-affidavit denying the petitioner's plea that he is the absolute owner of the land in question. It is further stated that as per the revenue records one S. Veeraswamy and N. Venkata Rama Rao are the owners of the land situated in Sy.No.119/1 in whose favour pattadar pass books are also issued. It is stated that on 1.4.1999 a report was received from the Village Administrative Officer stating that the crop raised in the said land was forcibly cut by the petitioner herein and there was likelihood of serious law and order problem in the village. On the basis of the said report in exercise of the powers conferred under Section 145(2) of the Cr.P.C., the 1st respondent conducted an enquiry and effected the impugned seizure since the writ petitioner evaded service of notice. It is also stated that police registered a case in Cr.No.45/91 under Section 447, 427, 506 read with 34 of the Indian Penal Code against the petitioner herein and his henchmen. While denying the allegation that the 1st respondent has taken possession of the land, it is stated that except seizing the harvested paddy he did not interfere with the rights of any of the parties and even the seized paddy was handed over to the real owner after necessary enquiry.

No affidavit in reply is filed, nor any other material is placed before this Court contradicting the version of the 1st respondent in his counter-affidavit.

In the circumstances, I do not find any justifiable reason to hold that the impugned action of the 1st respondent is either arbitrary or illegal.

The writ petition is accordingly, dismissed. No costs.

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10.10.2007

tjs/Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8631 OF 1999

10th October, 2007.

Between:

Gangi Bhaskara Rao, represented by his G.P.A.,
Holder – Gangi sreeramulu. .. Petitioner.

And

The Mandal Revenue Officer, Tallarevu Mandal,
East Godavari District and another. .. Respondents.